

DECLARATORY

Improvement Res. No. 1106-1963

For the Vacation of street right of way  
ten (10) feet in width, lying immediately  
west of Lots 70, 71, 93, 94 and 111,  
Lincolnshire Addition, Section "B".

Resolution Adopted: July 5, 1963

Confirmed: August 1, 1963

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

October 31, 1963

B.O. 113-

FAIRFIELD AV WIDENING

DECLARATORY RESOLUTION NO. 1106-1963

For the Vacation of street right of way, ten (10) feet in width, lying immediately west of Lots 70, 71, 93, 9 $\frac{1}{4}$  and 111, Lincolnshire Addition, Section "B".

PLANS ORDERED:

ADOPTED: July 5, 1963  
ADVERTISE NOTICE TO PROPERTY OWNERS: July 12 and 19, 1963  
HEARING ON CONFIRMATION: Thurs., August 1, 1963, 3:30 p. m.  
CONFIRMED: August 1, 1963  
ASSESSMENT ROLL ORDERED: August 1, 1963  
ASSESSMENT ROLL APPROVED: Oct. 10, 1963  
HEARING ON CONFIRMATION  
OF ASSESSMENT ROLL: Thurs., Oct. 31, 1963 3:30 p. m.  
NOTICE SERVED: Oct. 18, 1963  
ASSESSMENT ROLL CONFIRMED: Oct. 31, 1963

For the Vacation ~~Opening Condemnation of right of way for utility purposes~~ of street right-of-way, ten (10) feet in width, lying immediately west of Lots 70, 71, 93, 94 and 111, Lincolnshire Addition, Section "B".

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate portions of street right-of-way, (Fairfield Avenue), more particularly described as follows:

(See attached sheets)

All as shown by a plan of such proposed Vacation ~~Opening Condemnation of right of way for utility purposes~~ as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said Vacation ~~Opening Condemnation of right of way for utility purposes~~ shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation ~~Opening Condemnation of right of way for utility purposes~~ is described as follows: Lots 70, 71, 93, 94 and 111, Lincolnshire Addition, Section "B", and City of Fort Wayne street right-of-way. Said addition and right-of-way are inclusive to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5)% per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

Portions ~~vacation~~ of the above described street shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.

All Streets, lots and lands affected by the above described ~~vacation~~ are situated in the north one-half of Section Twenty-Six, Township 30 north, Range 12 east and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS 5 DAY OF

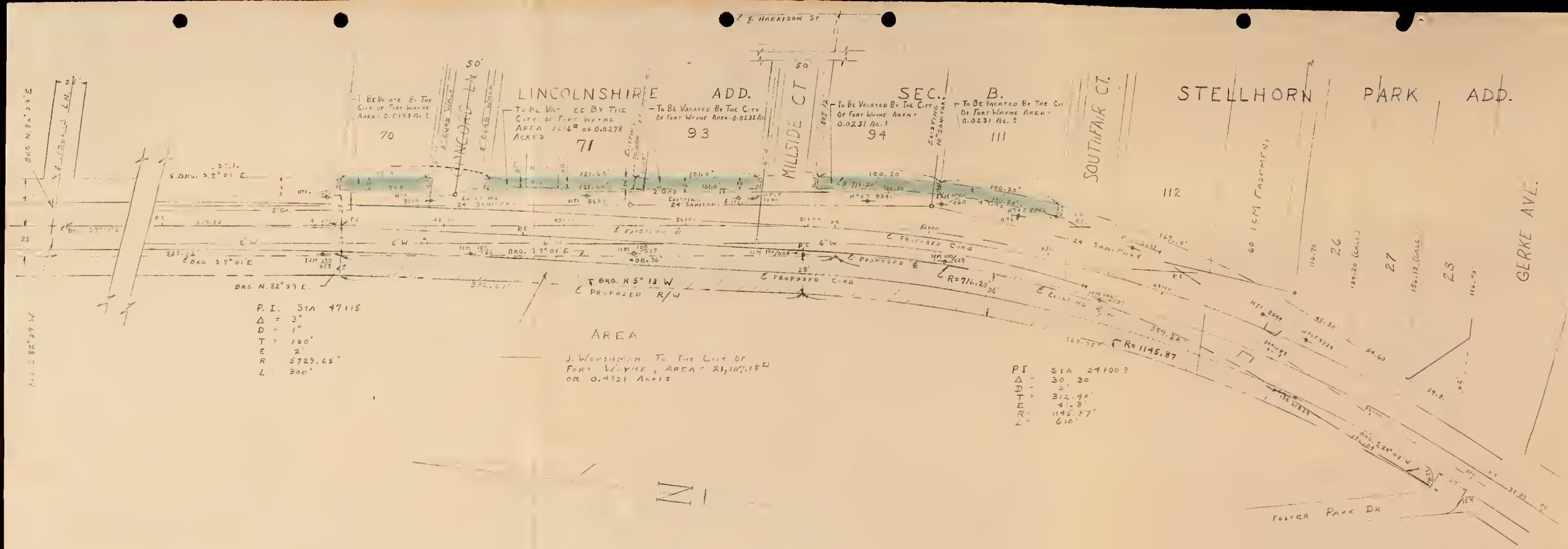
July 19 63

Attest:

Secretary Board of Public Works.

J. F. T. Paechler

Board  
Board of Public Works.



KNT KNT 1" - 50' 0"  
 FEB. 5, 1963

ENGINEERING  
DEPT. OF STREETS

DATE July 1, 1963

TO: BOARD OF PUBLIC WORKS

SUBJECT: \_\_\_\_\_

113

Declaratory Resolution No. 1106-1963, which provides for the vacation of street right-of-way in connection with the widening and resurfacing of Fairfield Avenue, is completed and attached.

Woodhurst Center, Inc. has dedicated additional right-of-way for relocating the Fairfield Avenue pavement and this land was to be vacated as a part of that agreement.

Please advise what board order number is assigned to this resolution. Drawing and property ownership list are also attached.

*Edward Green - D.B.*

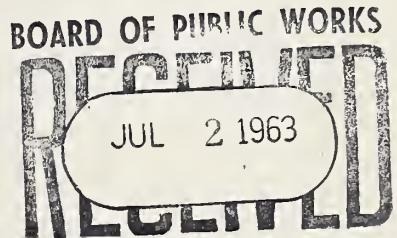
Edward Green

City Engineer

DEB:ld

attach.

cc: Mayor Burns



ENGINEERING DEPARTMENT  
DEPARTMENT OF STREETS



FORT WAYNE 2, INDIANA

45-344-1

B.O. 113-'63

Date August 1, 1963

To City Engineer

Subject Dec. Res. 1106-1963 Lincolnshire Add. Sec. "B"

Prepare Assessment Roll of Benefits \$1.00 and Damages \$1.00.

Paul F. Roembke  
C.L. Sidle  
Berkeley Ward  
BOARD OF PUBLIC WORKS

ic  
attach Res. & P.O. List  
cc: Mayor Burns

DUPLICATE - ORIGINAL DESTROYED IN THIS OFFICE

NOTED  
 P.F.R.  
 C.L.S.  
 B.W.

Signed

Reply:

October 8, 1963

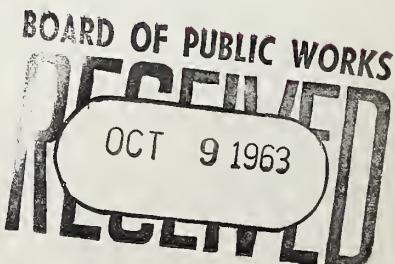
46-92-8

Date

Assessment Roll of benefits and Damages completed and attached.

The handwritten signature of Edward Green, which is very fluid and cursive.  
Edward Green  
City Engineer

DEB:ld  
attach.



Signed

SENDER: REMOVE & KEEP 3RD COPY—RECEIVER: ANSWER & KEEP 2ND COPY—RETURN 1ST COPY

# NOTICE OF IMPROVEMENT

## OFFICE BOARD OF PUBLIC WORKS

Fort Wayne, Indiana, ..... July 18, 1963.....

1106

To: ~~1106/B//B//Ketseth//Fletcher/~~.....

You are hereby notified that the Board of Public Works, of the City of Fort Wayne, Indiana, did  
Declaratory pass Improvement/Resolution No. 1106-1963.....  
providing for the Vacation of Street right of way, ten (10) feet in width, lying  
immediately west of Lots 70, 71, 93, 94 & 111, Lincolnshire Addition, Section "B".

All work to be done under aforementioned Improvement Resolution shall be in accordance with the detailed plans, profile and specifications which are now on file and may be seen in the office of the Board of Public Works.

The Board has fixed Thursday, August 1, 1963 at 3:30 pm.....  
a date and time when they will hear and consider objections or remonstrances from all persons whose property will be affected by the proposed improvement.

You are hereby notified that

Lincolnshire Add. Sect. "B"

is subject to assessment for said proposed improvement under the Improvement Laws passed by the General Assembly of the State of Indiana, March 6, 1905, and under all acts amendatory thereto and supplemental thereof.

BOARD OF PUBLIC WORKS

# Spring Grove Farms

4823 LIMA ROAD FORT WAYNE, INDIANA

748-

~~XXXXXX~~ 6521

May 16, 1963

Mr. John Hoffman  
Hoffman, Moppert and Solomon  
902 Fort Wayne Bank Building  
Fort Wayne, Indiana

Dear John:

Vacation of East  
part of Fairfield Avenue  
near Lincolnshire.

With reference to the vacation of certain lands on the east side of Fairfield Avenue in the vicinity of Lincolnshire, I am enclosing copies of pertinent letters and documents.

You will note that by his letter of January 18, 1963, Mr. Green agreed to vacate the land in question in return for a street dedication on the west side by John Worthman. Also, in that letter, he states that he would instruct his street engineer to prepare necessary descriptions, etc. Following this, John Worthman dedicated a portion of his land on the west side of Fairfield Avenue for street purposes which, in my opinion, satisfied his part of the bargain. The date of this dedication was February 28, 1963.

Apparently, then, all that remained to be done was for the City to vacate the land on the east side. About two weeks ago, I became concerned about the vacation and called Mr. Boediger, the street engineer, to ask as to the status of the matter. After investigation, Mr. Boediger advised that he had completed the descriptions and, as I remember, stated that the matter was in the hands of the legal department. This brought about my telephone call to you during which we discussed whether or not a petition by adjoining property owners was necessary. You later advised that a petition was not necessary and that the vacation of the land in question would be accomplished by adoption of a resolution on the part of the City.

It appears to me that all of the ground work has been done and that this whole business could be concluded if the Board of Works would consider the matter and take the necessary action.

Mr. John Hoffman

-2-

May 16, 1963

My interest in the matter is in the fact that we are having difficulties with a Mr. Richard Pifer whose property is involved with the land to be vacated on the east side of Fairfield. He is buying his house from us on land contract and refuses to make payments until the matter is cleared up.

Anything you can do to speed this along will be appreciated.

Very truly yours,

Floyd B. Kelsey, Jr.  
*Floyd B. Kelsey Jr.*

FBK:msd

Enclosures

THIS INDENTURE WITNESSETH: That WOODHURST CENTER, INC., an Indiana Corporation, being the owner of the following described real estate in Allen County, State of Indiana, to wit:

Part of the West half of Section 26, Township 30 North, Range 12 East in Allen County, State of Indiana, described as follows, to wit: Beginning at a point on the West right of way line of Fairfield Avenue, a public thoroughfare in the aforementioned Section, Township and Range, said point being situated 507.5 feet South 7 degrees 01 minutes East and 25.0 feet South 82 degrees and 59 minutes West of the intersection of the centerline of Fairfield Avenue and the North line of the South half of the Northwest quarter of the aforementioned Section 26, Township 30 North, Range 12 East, said last described line also being the North line of lot numbered 2, R. L. Britton Estate; thence South 7 degrees and 01 minutes East parallel to the aforementioned centerline of Fairfield Avenue 408.36 feet; thence Southwesterly on a curve to the right of 716.2 foot radius 389.38 feet; thence South 24 degrees 08 minutes West 156.04 feet; thence Northeasterly on a curve to the left of 1145.87 foot radius, a distance of 560.05 feet; thence North 5 degrees 13 minutes West 382.69 feet; thence North 82 degrees and 59 minutes East 16.0 feet to the point of beginning, containing 0.4845 acres of land.

hereby expressly declares and dedicates for street and road purposes the above described real estate.

IN WITNESS WHEREOF, the Grantor, Woodhurst Center, Inc., has caused this instrument to be duly executed under its seal this 28th day of February, 1963.

WOODHURST CENTER, INC.

By: John R. Worthman, Its President

ATTEST: Alice T. Worthman  
Alice T. Worthman its Secretary

STATE OF INDIANA ) SS:  
COUNTY OF ALLEN )

BE IT REMEMPERED that on the 28th day of February, 1963, before me, the undersigned, a Notary Public in and for the County and State aforesaid, duly commissioned and qualified, personally appeared WOODHURST CENTER, INC., by John R. Worthman, its President, personally known to me to be the President of WOODHURST CENTER, INC., and to be the person who executed the foregoing instrument for and on behalf of said Corporation and acknowledged that he executed said instrument voluntarily as such Officer for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year above written.

I. Annabelle Young, Notary Public

My Commission Expires: March 28, 1966

This instrument prepared by: S. M. Pierson, Atty.

January 28, 1963

Mr. Edward Green, Engineer  
City of Fort Wayne  
425 South Calhoun St  
Fort Wayne, Indiana

Re: Widen & shift R/W  
6100-6400 Fairfield Ave

Dear Edward:

Your letter of January 18, 1963, informed us of the Board of Works instructions for you to proceed with plans and related work for the above captioned project, and ask us for certain information and papers which we list hereunder and have attached hereto.

Woodhurst Center, Inc is the owner of land on the West side of Fairfield Avenue beginning at a point across the street from the Northwest corner of Lot 70 Lincolnshire Addition and continuing Southwardly on the West side of Fairfield Avenue to the intersection of Foster Park Drive, being a distance of approximately 900 feet. We will grant to the City without compensation to us a street right-of-way of said parcel of land provided the City will prepare the plans, legal description and cause the vacation of the residue of land on the East side thereof all substantially in accordance to plans we presented on Jan 7, 1963. I am not sure just how the City would want to proceed with the vacated portion of the project, however I am quite sure the owners of lots in Lincolnshire on the East side of Fairfield Avenue would voluntarily sign any required papers. I do not know the owners of the lots immediately South of Lot 112 Lincolnshire Addition.

Per your request I have attached 3 copies of the January 7, 1963, plans together with a suggested revised plan #2 where in the Southern most point of our tract has been cut off to make a better intersection and approach for Foster Park Drive. This should also help the intersection pertaining to Gerke Road located on the East side of Fairfield Avenue. The other change in plan #2 requires less of our land at the middle-distant area of our tract, and will not crowd our future building setback lines at Fairfield Avenue or Foster Park Drive.

Edward Green

-2-

January 28, 1963

Should something comparable to this plan #2 work out all right with your designer you may feel free to proceed with it in lieu of the plan #1.

If there are any questions or additional information needed, please contact us.

Very truly yours,

John R. Worthman, President  
WOODHURST CENTER, INC

JRW:ay

Enclos.

1-

# City of Fort Wayne



FORT WAYNE INDIANA

ENGINEERING DEPARTMENT

425 SOUTH CALHOUN STREET

January 18, 1963

Mr. John R. Worthman  
215 West Leith  
Fort Wayne, Indiana

Dear Sir:

The Board of Public Works has instructed that I proceed to prepare the necessary documents and revisions to the plans necessary to relocate Fairfield Avenue, between the north line of Lot "O", Lincolnshire Addition, and Foster Park Drive, substantially in accordance with the print of the plan which you furnished dated January 7, 1963, one copy of which is attached for your ready reference.

I am instructing the Street Engineer to prepare the necessary easement descriptions and the documents for the vacation of the residue from the present right of way of Fairfield Avenue.

It is my understanding that you prefer to have Woodhurst Center, Inc. convey this land by easement deed. Will you please confirm this understanding or advise if you prefer the entire matter to be handled by Declaratory Resolutions. Will you please also furnish three additional prints of your plan for use in this department.

Very truly yours,

*Edward Green*  
Edward Green  
City Engineer

EG:ld

cc: Mayor Paul Burns  
Board of Public Works

Commencing at a point; said point being at the intersection of the center lines of Hollis Lane and Fairfield Avenue; thence along a line, bearing north eighty two degrees and fifty nine minutes east ( $N\ 82^{\circ}\ 59'E$ ), a distance of forty (40) feet; thence along a line bearing south seven degrees and one minute east ( $S\ 7^{\circ}\ 01'E$ ), and parallel to the existing center line of Fairfield Avenue, a distance of five hundred twenty six and ninety one hundredths (526.91) feet to the point of beginning of the property to be conveyed, or this point being better known as the existing northwest property corner of lot number seventy (70) in the Lincolnshire Addition, Section "B" to the City of Fort Wayne; thence along a line bearing south seven degrees and one minute east ( $S\ 7^{\circ}\ 01'E$ ), a distance of seventy nine and eighty hundredths (79.80) feet; thence along the south property line, extended, of said lot seventy (70), a distance of ten and seven hundredths (10.07) feet; thence along a line bearing north seven degrees and one minute west ( $N\ 7^{\circ}\ 01'W$ ), a distance of seventy nine and eighty hundredths (70.80) feet; thence along the north property line, extended, of said lot number seventy (70), a distance of ten and seven hundredths (10.07) feet to the point of beginning.

ALSO

Commencing at a point, said point being at the intersection of the center lines of Hollis Lane and Fairfield Avenue; thence along a line bearing north eighty two degrees and fifty nine minutes east ( $N\ 82^{\circ}\ 59'E$ ), a distance of forty (40) feet; thence along a line bearing south seven degrees and one minute east ( $S\ 7^{\circ}\ 01'E$ ), and parallel to the existing center line of Fairfield Avenue, a distance of six hundred fifty seven and twelve hundredths (657.12) feet to the point of beginning of the property to be conveyed, or this point being better known as the existing northwest property corner of lot number seventy one (71) in the Lincolnshire Addition, Section "B" to the City of Fort Wayne; thence along a line bearing south seven degrees and one minute east ( $S\ 7^{\circ}\ 01'E$ ), a distance of one hundred twenty one and sixty hundredths (121.60) feet; thence along the south property line, extended, of said lot seventy one (71), a distance of ten and seven hundredths (10.07) feet; thence along a line bearing north seven degrees and one minute west ( $N\ 7^{\circ}\ 01'W$ ), a distance of one hundred twenty-one and sixty hundredths (121.60) feet; thence along the north property line, extended, of said lot number seventy one (71), a distance of ten and seven hundredths (10.07) feet to the point of beginning.

1106

ALSO

Commencing at a point, said point being at the intersection of the center lines of Hollis Lane and Fairfield Avenue; thence along a line bearing north eighty two degrees and fifty nine minutes east ( $N\ 82^{\circ}\ 59'E$ ), a distance of forty (40) feet; thence along a line bearing south seven degrees and one minute east ( $S7^{\circ}\ 01'E$ ), and parallel to the existing center line of Fairfield Avenue, a distance of seven hundred seventy eight and seventy two hundredths (778.72) feet to the point of beginning of the property to be conveyed, or this point being better known as the existing northwest property corner of lot number ninety-three (93) in the Lincolnshire Addition, Section "B" to the City of Fort Wayne; thence along a line bearing south seven degrees and one minute east ( $S\ 7^{\circ}\ 01'E$ ), a distance of one hundred one and no hundredths (101.0) feet; thence along the south property line, extended, of said lot ninety three (93), a distance of ten and seven hundredths (10.07) feet; thence along a line bearing north seven degrees and one minute west ( $N\ 7^{\circ}\ 01'W$ ), a distance of one hundred one and no hundredths (101.0) feet; thence along the north property line, extended, of said lot number ninety three (93), a distance of ten and seven hundredths (10.07) feet to the point of beginning.

ALSO

Commencing at a point; said point being at the intersection of the south property line of Millside Court and the centerline of Harrison Street; thence west along the south property line of Millside Court a distance of eight hundred eight and seventy two hundredths (808.72) feet to the point of beginning of the property to be conveyed, or this point being better known as the existing northwest property corner of lot number ninety four (94) in the Lincolnshire Addition Section "B" to the City of Fort Wayne; thence south along a curved line, having a radius of seven hundred sixteen and twenty hundredths (716.20) feet, a distance of one hundred and twenty hundredths (100.20) feet to a point, said point being better known as the existing southwest property corner of said lot ninety four (94); thence west along the south property line, extended, of said lot ninety four(94), a distance of ten and five hundredths (10.05) feet; thence north along a curved line, having a radius of seven hundred sixteen and twenty hundredths (716.20) feet, a distance of one hundred and twenty hundredths (100.20) feet; thence east along the north property line, extended, of said lot ninety four (94), a distance of ten and five hundredths (10.05) feet to the point of beginning.

ALSO

Commencing at a point, said point being at the intersection of the south property line of Millside Court and the center line of Harrison Street; thence west along the south property line of Millside Court, a distance of eight hundred one and ninety two hundredths (801.92) feet; thence along a line, bearing south zero degrees and zero minutes east ( $S\ 0^{\circ}\ 0'E$ ), a distance of one hundred and no hundredths (100.0) feet to the point of beginning of the property to be conveyed, or this point being better known as the existing northwest property corner of lot number one hundred eleven (111) in the Lincolnshire Addition Section "B" to the City of Fort Wayne; thence south along a curved line having a radius to seven hundred sixteen and twenty hundredths (716.20) feet, a distance of one hundred and twenty hundredths (100.20) feet to a point, said point being better known as the existing southwest property corner of said lot one hundred eleven (111); thence west along the south property line, extended, of said lot one hundred eleven (111), a distance of ten and seven hundredths (10.07) feet; thence north along a curved line having a radius of seven hundred sixteen and twenty hundredths (716.20) feet, a distance of one hundred and twenty hundredths (100.20) feet; thence east along the north property line, extended, of said lot one hundred eleven (111) a distance of ten and five hundredths (10.05) feet to the point of beginning.

NOTE: The entire vacated right-of-way shall revert to the owners of Lots 70, 71, 93, 94 and 111, Lincolnshire Addition, Section "B", subject to the extension of existing east-west utility easements.

**Improvement Resolution No. 1106-1963 For THE VACATION OF STREET RIGHT-OF-WAY, TEN (10) FEET IN WIDTH, LYING IMMEDIATELY WEST OF LOTS 70, 71, 93, 94 & 111, LINCOLNSHIRE ADDITION, SECTION "B"**

	OWNER'S NAME	ADDRESS	R. P. O.	NUMBER OF			DESCRIPTION
				LOT	BLOCK	O. L.	
1	WEDDLE, FLOYD E. & ARLENE M. & HATHAWAY, KESTON W. & JANET	324 Lincoln Dr.		70			LINCOLNSHIRE ADD. SECT. B.
2	KELSEY, FLOYD B., JR. & MOSER, WILLIAM & FLETCHER, SAM W.	3624 Lincoln Dr.		71			" "
3	WOODMURST CENTER INC.	215 N. Zeeb Dr.		93			" "
4	ROSS, RONALD R. & MARGARET C.	411 N. Alvarado St.		94 ETC. E. 11'			" "
5	PAPIER, HARRY S. & GESSIE	116 Southview St.		111 ETC. E. 11'			" "
6	CITY OF FORT WAYNE	City Hall					STREET R/W
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60	NOTICES MAILED ON SERIALIZED						
61	<u>July 18, 1963</u>						
62	<u>By Beryl Rehling</u>						
63	<u>N.W. P.O.</u>						
64							
65							
				TOTAL			

1106